IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. Civil Second Appeal No.342 Of 1999.

Babu Lal Agarwal Vs. Nand Kishore Dangayach

Date Of Order ::: 13.12.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. Deepak Pareek, Counsel for defendant-appellants
Ms. Poornima Sharma, advocate for
Mr. R.P. Garg, Counsel for defendant-respondent.

By the Court :

Heard learned counsel for both the parties.

The plaintiff-respondent filed a suit for recovery of a sum of Rs.6,526/-, which was dismissed by the Lower Court. However, on an appeal filed by the plaintiff the suit was decreed. Hence, this second appeal has been preferred on behalf of the defendant.

The appeal has not been admitted so far. As per Section 102 of the Code of Civil Procedure, 1908 the second appeal does not lie from any decree, when the subject matter of the original suit is for recovery

of money not exceeding Rs.25,000/-.

This point has already been considered in detail in the case of Union of India Vs. Jaipur Narmda Factory, reported in **2006 (4) R.L.W. 3025**.

In view of above, the present second appeal is not maintainable and the same is accordingly dismissed with no order as to costs.

(Narendra Kumar Jain) J.